IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.149 OF 1994.

The Commissioner of Income-tax,
Bombay City-I,Bombay. ... Applicant.

V/s.

M/s Uttam Chitra. ... Respondent.

Shri A.N. Kotangale with D.A. Dubey i/b S. Bhattacharya for the applicant.

Nione for the respondent.

CORAM : V.C.DAGA AND A.S.AGUIAR, JJ.

DATED : 18.7.2005

P.C. :

. By this reference under section 256 of the Income-tax Act, 1961, the Income Tax Appellate Tribunal has referred the following question of law for the opinion of this Court:

1. Whether, on the facts and in the circumstances of the case, the Tribunal was right in holding that each film produced is a separate new industrial undertaking and that the deduction contemplated u/s 80J should be allowed accordingly?

. Learned Counsel appearing for the Revenue fairly states that the issued involved in this case is covered by the judgment of this Court in the case

of C.I.T. vs. D.K. Konde reported in (1991) 192 ITR 128(Bom.). In this view of the matter, the question is answered in the affirmative i.e. in favour of the assessee and against the Revenue.

. Reference stands disposed of with no order as to costs.

(A.S.AGUIAR, J.) **(V.C.DAGA, J.)**